

*P1*  
*13*  
*Cont'd*

program instructions for storing the result in the lead database.

44. (New) The computer readable medium of claim 43 further comprising:

program instructions for sending at least one of a result confirmation to the sales agent  
and a result notification to the lead.

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## ***REMARKS***

Claims 1-8 were presented for examination. Claims 1 and 7-8 are sought to be amended and new claims 9-44 have been added to clarify the invention further. Claims 1, 25, 31 and 39 are independent claims. Claims 1-8 were rejected. Reconsideration of the subject application in view of the above changes and the following remarks is respectfully requested.

### ***Specification***

The Examiner objected to the abstract. Applicant has amended the abstract accordingly and respectfully requests that the Examiner reconsider and withdraw the objection.

### ***Rejections under 35 U.S.C. § 103***

Claims 1-8 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,070,142 to McDonough et al. (hereinafter McDonough) in view of U.S. Patent No. 6,067,525 to Johnson et al. (hereinafter Johnson). Applicant respectfully traverses this rejection.

Applicant's invention as recited, for example, in independent claim 1 is directed to a method for distributing leads from a lead database. Claim 1 recites features of "receiving a lead

request from a sales agent" and "providing a lead from the lead database to the sales agent in response to the lead request." A sales agent, such as a reseller, service agent, or salesperson of goods or services, can request a lead from the lead database and process the lead accordingly. Providing a lead to the sales agent from the lead database has at least the advantage of allowing the agent to select a lead that meets the agent's needs or other criteria. An agent can select a particular service request from the lead database. For example, a service agent can request to handle a particular customer service request.

The Action alleges that McDonough discloses or suggests all claim elements, but for the elements of "sending a first confirmation message...and sending a second confirmation message." To overcome this deficiency, the Examiner relies on Johnson. (Office Action, p. 3-4). In this regard, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of invention to combine the references. Applicant respectfully submits that there is no motivation to combine McDonough and Johnson, and even if proper, such a combination would not have resulted in the claimed invention.

McDonough describes a system in which customers (*i.e.*, the lead) can access resources that can meet customer needs and also acquire and retrieve customer information during a contact. The McDonough system includes a computer telephony system for gathering interaction data associated with the contact, a rules based routing system for identifying a resource best suited to handle the contact, and a switch for routing the contact to the identified resource. (See McDonough, col. 3, ll. 60-67.)

McDonough actually teaches away from the claimed step of "receiving a lead request from a sales agent." McDonough discloses a customer-driven sales and service center that

connects the customer (*i.e.*, the lead) to an available company resource, such as an employee without first requiring the lead to initiate the lead request.

Consistent with conventional systems, McDonough teaches that either the lead or the aggregator/collector of leads (company) selects the service provider/salesperson. In the present invention the opposite occurs. That is, the sales agent/service provider asks for and “pulls” leads, while in conventional systems such as McDonough, the user has leads “pushed” to him or her. McDonough discloses that leads are routed to an appropriate resource. In the case where an appropriate resource is unavailable, the customer can request that an employee contact the customer (see McDonough, col. 13, ll. 13-15). However, McDonough fails to teach or suggest at least “receiving a lead request from a sales agent” as recited in claim 1.

Further, claim 1 recites an element of “providing a lead from the lead database to the sales agent in response to the lead request.” In contrast to the claimed aspect of providing a sales agent with a requested sales lead, McDonough discloses a system with opposite objectives. The McDonough system routes a sales lead or customer service inquiry to an appropriate salesperson. (See, e.g., McDonough, col. 13, ll. 49-51). Therefore, for at least the foregoing reasons McDonough further fails to teach or suggest the claimed element of “providing a lead from the lead database to the sales agent in response to the lead request.”

In addition, McDonough teaches away from the combination proposed by the Examiner. McDonough discloses a system for routing customer requests to an appropriate employee. Such a system is inconsistent with and teaches away from Applicant’s claimed invention. McDonough discloses that “Should it be determined that a call needs to be directed to a company employee or other resource, the VRUs [voice response units] … select an available resource based on the customer’s expressed or implied need.” (See McDonough, col. 7, ll. 32-40). This

and other similar teachings in McDonough would lead one of ordinary skill in the art in a direction divergent from the claimed invention, which recites in claim 1 "providing a lead from the lead database to the sales agent in response to the lead request."

Accordingly, McDonough teaches away from the claimed invention and cannot be properly used as a reference rejecting the present claims because by teaching away it does not provide any teaching or suggestion to combine. *See In re Gurley*, 31 USPQ 1130, 31 (Fed. Cir. 1994). *See also, In re Fine*, 5 USPQ2d 1596, 1598-99 (Fed. Cir. 1988). "[E]lements of separate prior patents [and/or publications] cannot be combined when there is no suggestion of such combination anywhere in those patents [and/or publications]...; and a court should avoid hindsight....Likewise, the teaching of [the cited references] are inconsistent with the claimed invention " (emphasis added; annotations within square brackets). Panduit Corp. v. Dennison Mfg. Co., 1 USPQ2d 1593, 1597 (Fed. Cir. 1987), citing ACS Hospital Systems, Inc. v. Montefiore Hospital, 220 USPQ 929, 933 (Fed. Cir. 1984).

Further, for at least the foregoing reasons, the proposed combination of McDonough and Johnson, and even if proper, would not have resulted in the claimed invention. As discussed above, McDonough does not teach or suggest at least "providing a lead from the lead database to the sales agent in response to the lead request" as recited in independent claim 1. In addition to there being no motivation to combine the references, the Examiner does not contend and Johnson does not overcome McDonough's deficiency as identified above, because Johnson does not teach or suggest the claimed step of "receiving a lead selection from the sales agent". Accordingly, the proposed combination does not teach or suggest all of the claim elements.

Independent claims 1, 25, 31 and 39 are patentable for at least the reasons discussed above. For example, McDonough does not teach or suggest "sending a lead request to a lead

database" as recited in claim 25. Nor does McDonough teach or suggest "a lead control unit communicatively coupled to the lead unit and configured to provide a lead from the lead database to the sales agent in response to the lead request" as recited in claim 31 or "program instructions for providing a lead from the lead database to the sales agent in response to the lead request" as recited in claim 39.

Claims 7-24, 26-30, 32-38, and 40-44 depend, either directly or indirectly from independent claims 1, 25, 31 and 39. Claims 7-24, 26-30, 32-38, and 40-44 also include recitations that further define the claimed invention such as but not limited to "moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent." Based on their dependence on claims 1, 25, 31 and 39 and other patentable recitations, claims 7-24, 26-30, 32-38, and 40-44 are also believed to be patentable.

### *Conclusion*

In view of the foregoing arguments, Applicant submits that the claims presently pending in the subject patent application are now in condition for allowance. Applicant believes that all of the stated grounds of objection and rejection set forth by the Examiner in the Office Action have been properly accommodated or addressed. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and withdraw them. The Examiner is invited to telephone the undersigned representative if it is felt that an interview might be useful for any reason.

Respectfully submitted,  
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*Version with Markings to Show Changes Made*

As per 37 CFR § 1.121 the following is a copy of the amended Abstract and claims with the changes indicated:

***IN THE ABSTRACT***

**ABSTRACT OF THE DISCLOSURE**

A system and method for efficiently, accurately, and inexpensively receiving, assigning, and tracking leads. A lead unit integrates and stores the sales leads. A lead control unit can interface with an administrative unit to provide active leads to a reseller unit. A reseller control unit can determine whether a user is permitted to select leads. Selected leads can be removed from the set of active leads for a predetermined time period. The user can process a selected lead and identify a result for the lead. The lead control unit can place a selected and processed lead into a processed lead set. The reseller control unit can generate reports about the user's active and processed leads. [In one embodiment, the invention enables leads to be efficiently identified by an interested partner or reseller by providing a database of leads that can be searched according to a variety of parameters. In one embodiment, the invention also reduces the number of leads that become cold by quickly and efficiently matching sources of leads with a variety of salesmen/ resellers/users who are interested in utilizing a lead. In one embodiment, the present invention motivates a reseller to promptly contact a lead that the reseller selects by limiting the amount of time that a lead is available exclusively to the reseller. The reseller must contact the lead before the lead becomes available again to other resellers. In one embodiment, the invention also automatically provides feedback to the lead and/or to the source of a lead when a reseller selects a lead and when the reseller processes the lead in order to increase the accountability of

the reseller. In an embodiment, the invention also provides a system and method for automatically evaluating the result of a contact which enables the lead source to better track the results of providing leads. In an embodiment, the present invention also automatically increases the accuracy of the reporting of results by automatically sending the results of the contact, as reported by the reseller, to the lead, the system administrator, and to the lead source. In addition, the present invention automatically introduces the reseller to a lead before the lead is contacted by the reseller.]

#### ***IN THE CLAIMS***

1. (Amended) A computer-based method for distributing leads from a lead database, the method comprising the steps of:  
receiving a lead request from a [user] sales agent;  
providing a [selected] lead from the lead database to [a user] the sales agent in response to [said] the lead request; and  
receiving a lead selection from the sales agent.  
[preventing said selected lead from being provided to another user;]  
[receiving a processing request from the user for the selected lead;]  
[processing the selected lead to identify a result of said lead;]  
[automatically sending a first confirmation message to the user; and]  
[automatically sending a second confirmation message to the lead]  
[wherein said first and second confirmation messages indicate said result.]
2. (Canceled)
3. (Canceled)

4. (Canceled)
5. (Canceled)
6. (Canceled)
7. (Amended) The method of claim 1 wherein [said] the lead request includes a lead selection parameter. [identifies one or more parameters the lead must have (location, product).]
8. (Amended) The method of claim 1[, where each] wherein the lead includes at least one of contact information and product information.
9. (New) The method of claim 1 wherein the sales agent comprises one of a reseller, salesperson, and service provider.
10. (New) The method of claim 1 wherein the lead request comprises at least one of a service request and a product request.
11. (New) The method of claim 1 further comprising:  
sending a first confirmation message to the sales agent, and  
sending a second confirmation message to the lead.
12. (New) The method of claim 11 wherein the first and second confirmation messages are sent via a wide area network.
13. (New) The method of claim 12 wherein said wide area network is an Internet.
14. (New) The method of claim 1 further comprising:  
sending a confirmation message to an administrator.
15. (New) The method of claim 1 wherein the step of providing further comprises:  
determining whether the lead request is authorized for the sales agent.
16. (New) The method of claim 1 wherein the step of providing further comprises:

receiving, from the sales agent, a lead selection parameter;  
searching the lead for the lead selection parameter to generate a search result; and  
providing the search result to the sales agent.

17. (New) The method of claim 16 wherein the lead selection parameter comprises one of geographical location and product.

18. (New) The method of claim 1 further comprising:

removing the lead from the lead database to prevent the lead from being provided to a second sales agent.

19. (New) The method of claim 1 further comprising:

moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

20. (New) The method of claim 19 further comprising:

replacing the lead into the active set of the lead database to make the lead available for a second lead request after the predetermined time period has expired.

21. (New) The method of claim 20 wherein the second lead request is issued by a second sales agent.

22. (New) The method of claim 1 further comprising:

receiving, from the sales agent, a message comprising a result for the lead; and  
storing the result in the lead database.

23. (New) The method of claim 22 further comprising:

parsing the message to identify the result.

24. (New) The method of claim 22 further comprising:

sending at least one of a result confirmation to the sales agent and a result notification to the lead.

25. (New) A method for requesting a lead by a sales agent, the method comprising the steps

of:

sending a lead request to a lead database;

receiving a lead from the lead database; and

sending a lead selection to the lead database, the lead selection indicating that the sales agent has selected the lead.

26. (New) The method of claim 25 wherein the lead request comprises a service request.

27. (New) The method of claim 25 further comprising:

sending a lead selection parameter to the lead database for querying a subset of leads.

28. (New) The method of claim 25 further comprising:

processing the selected lead to determine a result for the selected lead.

29. (New) The method of claim 28 wherein the result comprises one of sale, no interest, evaluation, and project.

30. (New) The method of claim 28 wherein the step of processing the selected lead further comprises:

identifying the result for the selected lead; and

sending the result to the lead database for storage of the result.

31. (New) A system for distributing leads from a lead database, the system comprising:

a lead unit configured to receive a lead request from a sales agent;

a lead control unit communicatively coupled to the lead unit and configured to provide a

lead from the lead database to the sales agent in response to the lead request; and

an administrative unit communicatively coupled to the lead control unit and configured to receive a lead selection from the sales agent.

32. (New) The system of claim 31 wherein the administrative unit is further configured to receive, from the sales agent, a lead selection parameter, wherein the lead control unit is further configured to search the lead for the lead selection parameter to generate a search result and to provide the search result to the sales agent.

33. (New) The system of claim 31 further comprising:

a reseller control unit communicatively coupled to the lead unit and configured to determine whether the lead request is authorized for the sales agent.

34. (New) The system of claim 31 further comprising:

an administrative control unit communicatively coupled to the administrative unit and configured to send a first confirmation message to the sales agent and send a second confirmation message to the lead.

35. (New) The system of claim 31 further comprising:

a timing unit configured to move the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period.

36. (New) The system of claim 35 wherein the timing unit is further configured to replace the lead into the active set of the lead database to make the lead available for a second lead request after the predetermined time period has expired.

37. (New) The system of claim 31 further comprising:

a lead status unit configured to receive, from the sales agent, a message comprising a result for the lead and to store the result in the lead database.

38. (New) The system of claim 37 wherein the result comprises one of sale, no interest, evaluation, and project.

39. (New) A computer readable medium comprising:

program instructions for receiving a lead request from a sales agent;

program instructions for providing a lead from the lead database to the sales agent in response to the lead request; and

program instructions for receiving a lead selection from the sales agent.

40. (New) The computer readable medium of claim 39 further comprising:

program instructions for removing the lead from the lead database to prevent the lead from being provided to a second sales agent.

41. (New) The computer readable medium of claim 39 further comprising:

program instructions for moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

42. (New) The computer readable medium of claim 41 further comprising:

program instructions for replacing the lead into the active set of the lead database to make the lead available for a second lead request after the predetermined time period has expired.

43. (New) The computer readable medium of claim 39 further comprising:

program instructions for receiving, from the sales agent, a message comprising a result for the lead; and

program instructions for storing the result in the lead database.

44. (New) The computer readable medium of claim 43 further comprising:

program instructions for sending at least one of a result confirmation to the sales agent and a result notification to the lead.